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Attorneys for Plaintiff/Counter-Defendant  
WINNIE PAPIR, A/S

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WINNIE PAPIR, A/S, a Danish Corporation,

Plaintiff,

v.

DAVID MOSTNY, an individual, and DOES 1  
through 10, inclusive,

Defendants.

DAVID MOSTNY, individually and doing business  
as EUROWRAP, LTD.

Counter-claimant,

v.

WINNIE PAPIR, A/S and ROES 1 through 10,  
inclusive,

Counter-defendants.

Case No.: C'05-1194 MJJ

Granted:

**STIPULATION TO DISMISS  
COMPLAINT AND CROSS-  
COMPLAINT WITHOUT  
PREJUDICE; ORDER THEREON**

Counsel for plaintiff/counter-defendant Winnie Papir ("Winnie Papir") and counsel for  
defendant/counter-claimant David Mostny, individually and doing business as Eurowrap Ltd.  
("Mostny"), hereby stipulate to dismiss the above-referenced action and all claims and counter-  
claims asserted therein, without prejudice, pursuant to the terms and conditions set forth herein, and  
with reference to the following facts:

STIPULATION TO DISMISS COMPLAINT AND CROSS-COMPLAINT WITHOUT PREJUDICE; ORDER  
THEREON

CASE NO.: C 05-1194 (MJJ)

1           1.       On March 23, 2005, Winnie Papir filed this action in the United States District Court  
2 for the Northern District of California.

3           2.       On April 18, 2005, Mostny filed a counter-claim against Winnie Papir.

4           3.       On June 20, 2005, the Honorable William Alsup issued an order staying this action  
5 based, in part, on a prior action between the same parties pending before the Maritime and  
6 Commercial Court of Copenhagen (Case No. H-0046-03) in the country of Denmark. The Court  
7 issued the stay because the parties represented that the action pending in Denmark might resolve  
8 some or all the claims asserted by the parties in this action.

9           4.       The action in Denmark proceeded to trial on August 30, 2005, and the Court issued a  
10 judgment in the action on October 27, 2005. Mostny, however, has appealed the decision, and the  
11 decision is not yet final.

12           5.       Based on the potential conclusive effect of the final decision in the action pending in  
13 Denmark, Winnie Papir and Mostny hereby agree to each dismiss their claims and counter-claims in  
14 the above-referenced action, without prejudice.

15           6.       Winnie Papir and Mostny specifically reserve the right to refile each and every claim,  
16 cause of action and complaint or cross-complaint in above-referenced action, following the final  
17 resolution of the action in Denmark.

18           7.       Winnie Papir and Mostny hereby agree to toll any statutes of limitation that may  
19 apply to the above-referenced claims and causes of action as of the date of this stipulation, and to  
20 stay and toll any other time related defenses, including, but not limited to, laches, waiver or estoppel,  
21 with respect to any legal or equitable claims that each has asserted in this action. Specifically, no  
22 period from the date of this stipulation through the refile of any claim or cause of action previously  
23 asserted in this action shall be included and computed in the date on which any applicable statutes of  
24 limitation, laches, waiver, estoppel or any other defense based on the timeliness of bringing a cause  
25 of action begins to run again with regard to the refiled claims, such that the period between the date  
26 of this stipulation and the refile of a claim will be deemed not to have existed for purposes of  
27 asserting any of the aforementioned defenses.

8. This stipulation, and the agreement to dismiss the claims and counter-claims herein without prejudice, does not, and is not intended to, affect, alter or impair in any manner the rights, claims, counter-claims, defenses, interests, duties, obligations and causes of action of the parties hereto, and this stipulation and the dismissal without prejudice will not and shall not act as a settlement, release, satisfaction, or compromise of any rights or interests of the parties.

9. If either party refiles any of the claims or causes of action in this matter in the United States District Court for the Northern District of California, they shall indicate that the above-referenced action, as well as the prior action between these parties (United States District Court Case No. C-03-0509), are "related" cases.

10. Winnie Papir and Mostny will enter into an identical stipulation for the dismissal, without prejudice, of Case No. 03-0509.

DUANE MORRIS LLP

Dated: March 3, 2006

By: Colin L. Pearce  
Colin L. Pearce  
Attorneys for Plaintiff/Counter-Defendant  
WINNIE PAPIR

FOREMAN & BRASSO

Dated: March 3, 2006

By: Ronald D. Foreman  
Ronald D. Foreman  
Attorneys for Defendant/Counter-Claimant  
DAVID MOSTNY, individually and doing  
business as Eurowrap, Ltd.

**ORDER**

Having read and reviewed the foregoing stipulation,

**IT IS HEREBY ORDERED.**

Dated: March 7, 2006

Martin J. Jenkins  
Honorable Martin J. Jenkins  
Judge of the United States District Court  
Northern District of California

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